

Attorney Docket No. 004906.P114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 25 2006

In re Application of:

Michael McClary, et al.

Serial No. 10/602,461

Filed: June 23, 2003

For: Repeated Switching of a Cross-Connect and a Timing Source in a Network Element Through the Use of a Phase Adjuster

Examiner: Nitin Patel

Art Group: 2116

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.81(a)

**Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Dear Sir:

Applicant's attorney respectfully petitions the Commissioner of Patents and Trademarks to withdraw the holding of abandonment for the above-identified application under the provisions of 37 CFR 1.181(a) on the ground that a Reply was filed in a timely fashion on March 22, 2006.

A petition for original filing date under a 37 C.F.R. § 1.8(b) was filed on September 25, 2006 prior to the Abandonment on September 26, 2006. A copy of this petition has been attached and if necessary it is requested for it to be considered herewith. A copy of the statement of Attestation under 37 C.F.R. 1.8(b) and the Reply are also attached.

Please charge any fees or credit any overpayment to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

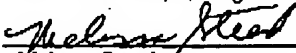
Date: 10/25/06


Jonathan S. Miller Reg. No. 48,534

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING

*I hereby certify that this correspondence is being
deposited with the United States Postal Service as
first class mail in an envelope addressed to: Mail
Stop Amendment; Commissioner of Patents, P.O. Box
1450, Alexandria, Virginia 22313-1450: 10-25-06*


Melissa Stead 10-25-06
Date

Attorney's Docket No. 4906P114

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Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450REQUEST FOR ORIGINAL FILING DATE UNDER 37 C.F.R. § 1.8 (b)

This resubmission is to request the original mailing date of the Amendment and Response to Office Action, mailed March 22, 2006 under 37 C.F.R. § 1.8 (b). Enclosed is a copy of the Amendment and Response to Office Action, as filed, including a certificate of mailing. Also enclosed is the fee transmittal that accompanied the response when filed.

A return postcard has not been received and no indication of a receipt of the response was found in the PAIR system. Please find attached a Statement of Attestation under 37 C.F.R. § 1.8(b)(3) from the individual responsible for mailing the above mentioned document and who signed the original certificate of mailing.

Please charge all the appropriate fees to Deposit Account No. 02-2666. A copy of the Fee Transmittal is enclosed for deposit account charging purposes.

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If you have any questions please contact me at (310) 500-4767.

Respectfully submitted,


BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 9/25, 2006


Jonathan S. Miller Reg. No. 48,534

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile
transmitted to the Patent and Trademark Office on
the date shown below.


Melissa Stead

9-25-06

Date